

Message Text

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PAGE 01 STATE 082514

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DRAFTED BY EUR/SOV:RPARDON:/EPA:WBROWN/JCR

APPROVED BY EUR/SOV:SPOLANSKY

JUSTICE - M. FLINT(SUBS.)

INTERIOR - E. BOHLEN (SUBS.)

INTERIOR - M. METRINKO (SUBS.)

FAA - B. HUMM (SUBS.)

EB/OA - J. GORDON (SUBS.)

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FM SECSTATE WASHDC

TO AMEMBASSY MOSCOW IMMEDIATE

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E.O. 11652: N/A

TAGS: SENV, US, UR

SUBJECT: US-USSR ENVIRONMENTAL AGREEMENT: PROJECT V-2.1

MUSK OX

REF: BROWN-WARD TELECON, APRIL 10

1. REQUEST EMBASSY PASS ASAP FOLLOWING TO APPROPRIATE
SOVIET OFFICIALS INCLUDING DENISOV OF MINAG AND
KUVSHINNIKOV OF HYDROMET:

2. DRS. USPENSKIY AND TARKHOV HAVE ARRIVED AT BETHEL
WITH ELEVEN YEARLING MUSK OXEN IN GOOD CONDITION TO
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PAGE 02 STATE 082514

AWAIT SOVIET AIRCRAFT. SEVERE WEATHER CONDITIONS ON

NUNIVAK ISLAND ARE AT PRESENT PREVENTING FURTHER TRANSFERS.

3. OUR PLANS FOR APRIL 12-APRIL 15 ARRIVAL OF SOVIET AIRCRAFT AND SHIPMENT TO USSR HAVE BEEN COMPLICATED BY UNEXPECTED LEGAL PROBLEMS ARISING FROM TEMPORARY RESTRAINING ORDER AGAINST TRANSFER TO USSR ISSUED APRIL 8 BY STATE JUDGE IN FAIRBANKS AFTER A SUIT WAS FILED BY A CONSERVATIONIST GROUP. WE ARE TAKING IMMEDIATE STEPS AT HIGH LEVELS TO RESOLVE THE LEGAL ISSUE THIS WEEKEND. (SEE PARA 5)

4. IN LIGHT LEGAL AND TEMPORARY WEATHER PROBLEMS WE RECOMMEND INITIAL ARRIVAL OF SOVIET AIRCRAFT AT BETHEL BE DELAYED UNTIL TUESDAY, APRIL 15. AS PREVIOUSLY INDICATED IN STATE 76685 SOVIET FLIGHT IS CLEARED FOR APRIL 15 ON ROUTING AND ALTITUDE REQUESTED. WE WILL NOTIFY SOVIET SIDE IMMEDIATELY IF ANY FURTHER DELAY ENCOUNTERED. EMBASSY SHOULD STRESS THAT CONSERVATIONIST GROUP ACTIONS BASED UPON STRICTLY LOCAL ISSUES INCLUDING RESOLUTION OF QUESTION WHETHER THESE ANIMALS CAN BE HUNTED AND SHOULD IN NO WAY BE INTERPRETED ANTI-SOVIET IN CHARACTER.

5. (FYI: US AND ALASKAN OFFICIALS ARE UNDER TEMPORARY RESTRAINING ORDER (TRO) ISSUED BY ALASKAN STATECOURT APRIL 8 WHICH BARS CONSUMMATION OF TRANSFER. ORDER RESTS ON CITIZENS' GROUP CLAIM THAT TRANSFER VIOLATES ALASKAN LAW AND STATE AND FEDERAL AGREEMENTS CONCERNING OWNERSHIP AND MANAGEMENT OF HERD. JUSTICE DEPARTMENT CONVINCED THAT TRO NOT LEGALLY VALID, AND IS TAKING STEPS IN STATE AND FEDERAL COURTS IN ALASKA TO HAVE TRO QUASHED, BUT WE CANNOT BE TOTALLY CONFIDENT WHEN ALL LEGAL OBSTACLES WILL BE REMOVED. JUSTICE AND INTERIOR DEPARTMENT ATTORNEYS IN ALASKA PRESSING FOR EXPEDITED PROCEEDINGS, AND HEARINGS MAY BE HELD OVER WEEKEND.
END FYI) KISSINGER

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